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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,414	06/17/2005	Othon Kamariotis	36-1908	2360
23117	7590	08/18/2009	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				WERNER, DAVID N
ART UNIT		PAPER NUMBER		
2621				
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			08/18/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/539,414	KAMARIOTIS, OTHON	
	<b>Examiner</b>	<b>Art Unit</b>	
	David N. Werner	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>20060525</u> .	6) <input type="checkbox"/> Other: ____ .

**DETAILED ACTION**

1. This is the First Action on the Merits for U.S. Patent 10/539,414, which is the National Stage entry under 35 U.S.C. 371 of International Application PCT/GB03/05643, and claims foreign priority to British Application 0230328.7, filed 31 December 2002. Currently, Claims 1–21 are pending.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement filed 25 February 2006 fails to comply with the provisions of 37 CFR 1.98(b)(5) and MPEP § 609 because the documents cited therein are not identified by publication date including at least month and year. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: cellular mobile phone 5 and viewing screen 6, indicated as appearing in figure 1 in page 4: line 33 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The use of the trademarks "Hewlett Packard", "Compaq", and "Sony Ericsson", have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1–9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions<sup>2</sup> indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. In the present invention, the method claims do not state what apparatus performs the claimed steps of the method of Claims 1–9.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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<sup>1</sup> *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 US 780, 787-88 (1876).

<sup>2</sup> *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1–9 and 14–21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2002/0092029 A1 (Smith), cited in the Information Disclosure Statement. Smith teaches a system for transmitting images to a portable device. Regarding Claim 1, in Smith, a server stores an image at original size (paragraph 0013). This is the claimed step of storing an original video frame of size  $m \times n$  pixels. The server crops the image to fit the shape of the client mobile device's display and downscale it for appropriate display on transmittal to the mobile device (paragraph 0013). This is the claimed step of compressing the  $m \times n$  frame to a "substantially" smaller  $p \times q$  frame and transmitting it. On receiving the transmitted downscaled picture, a user may select an area of the picture for zooming (paragraph 0015). The processing for zooming does not occur in the device, but rather dynamically over the network, allowing the server to do the processing, similar to an online map service (paragraph 0017). Then, the zooming process comprises the claimed step of receiving signals defining a preferred selected area. The processing of additional pictures as thumbnail images (paragraph 0019) is the claimed step of applying the compression to further frames.

Regarding Claim 2, figure 3 of Smith shows the relationship 33 between the original image and the zoomed image (paragraph 0015). This is the claimed "zoom level".

Regarding Claim 3, in Smith, a cursor may be used in the mobile device to select a center point for zooming (paragraph 0015). This is the claimed pixel-by-pixel selection of a position.

Regarding Claim 4, in Smith, scrolling through the thumbnails (paragraph 0020) is the claimed movement of frames at the frame level.

Regarding Claims 5 and 6, in Smith, a predictive algorithm is used to determine what areas a user may wish to view in an image, and begins transmitting data in these areas prior to transmitting other data (paragraph 0018). These areas of high probability are the claimed plurality of frame sizes of Claim 6, detected automatically as in Claim 5.

Regarding Claim 7, figure 2 of Smith illustrates the claimed process of moving to new positions in the frame and changing frame sizes, here, three progressive zooms each having a different center.

Regarding Claim 8, in figure 2 of Smith, the selection of different frame areas according to cursor position (paragraph 0015) is the claimed selection via a jump function that selects frame areas depending on pointer position.

Regarding Claim 9, in Smith, a “pan” function (paragraphs 0017, 0018) is the claimed pixel-by-pixel scrolling function.

Regarding Claim 14, in Smith, the remote server that stores images (paragraph 0013) is the claimed server having access to a plurality of video stores. Since the server crops and rescales pictures for transmission to the mobile device (paragraph 0013), it is considered to comprise the claimed compression means. The screen on the mobile device is the claimed screen capable of displaying a small p x q image. The

user interface in the mobile device (paragraph 0017) produces the claimed “data signals” that determine preferred locations in frames, causing the transmission of the further frames (paragraph 0017).

Regarding Claim 15, in Smith, the area determined by the auto-pan function to have a high probability of interest (paragraph 0018) is the claimed “selected area” at a certain position at which the user indicated interest.

Regarding Claims 16 and 17, paragraph 0022 describes an environment in which the Smith image transmission system may be used with a plurality of stored images that may be transmitted to a plurality of users.

Regarding Claim 18, in Smith, the four thumbnails visible at once and available for selection comprise the claimed “plurality of frames” simultaneously available to switch means.

Regarding Claim 19, Smith preferably operates on JPEG images (paragraph 0021). This is the claimed “codec”.

Regarding Claim 20, in Smith, a user selects a single image for a full view from a series of thumbnails for transmission (paragraph 0020). Then, sending the image as requested by the user is the claimed transmission of a selected bitstream responsive to customer data input.

Regarding Claim 21, figure 2 of Smith illustrates a process of a user selecting a part of the original image for detailed viewing and receiving a zoomed-in view of the desired area from the server in response.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10–13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of European Patent Application 898,405 A2 (Suso et al.), cited in the Information Disclosure Statement. Claim 10 is directed to a terminal device having two display screens. The PDA described in Smith does not disclose this limitation.

Suso et al. discloses a smartphone having two screens. Regarding Claim 10, Figure 7 of Suso et al. illustrates the operation of the smartphone. Upper display 4 shows an image or video that is received or recorded, and lower display 5 displays thumbnail images stored in memory (paragraph 0036). Then, the upper display is the claimed "first display screen" and the lower display is the claimed "second display screen", and the thumbnail images are the claimed "selectable points". The cursor/scroll buttons in display part 21 (paragraph 0037) are the claimed "transmission means" that are used to select a preferred position.

Smith discloses the present invention except for a device with two screens. Suso et al. teaches that it was known to provide a mobile device having two screens. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the present invention to modify the system of Smith to operate on a dual-screen

device as taught by Suso et al., since Suso et al. states in paragraphs 0005–0009 that such a modification would allow for greater utility of the device as in a small form factor.

Regarding Claims 11 and 12, in Suso et al., Figure 9 shows an embodiment of the smartphone in which the lower screen displays information about the top image, namely, that it is “Traffic Information”, and identifies the service “OX Information Service” as providing the information. The service identification is the claimed “identity of a location”.

Regarding Claim 13, in the Suso et al. device, antenna 10 which communicates via a mobile phone network (paragraph 0018) is the claimed high-bandwidth path, and IRDA antenna 0019 which communicates via a local infrared connection (paragraph 0019) is the claimed low-bandwidth path.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,542,033 A (Wofford) a system for selecting a region of interest in a medical imaging system. U.S. Patent 5,615,384 A (Allard et al.) teaches a cell phone that allows a user to zoom and magnify images, similar to the PDA in Smith. U.S. Patent 5,960,126 A (Nielsen et al.) teaches a system for automatically determining a relevant region of interest in an image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571)272-9662. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. N. W./  
Examiner, Art Unit 2621

/Dave Czekaj/  
Primary Examiner, Art Unit 2621